

106TH CONGRESS  
1ST SESSION

# H. R. 350

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. CONDIT (for himself, Mr. PORTMAN, Mr. MORAN of Virginia, Mr. DAVIS of Virginia, Mr. BISHOP, Mr. DREIER, Ms. DANNER, Mr. HASTERT, Mr. STENHOLM, Mr. LINDER, Mr. CRAMER, Mr. ARMEY, Mr. HALL of Texas, Mr. GOSS, Mr. MCINTYRE, Mr. DELAY, Mr. GOODE, Ms. PRYCE of Ohio, Mr. BENTSEN, Mr. WATTS of Oklahoma, Mr. TANNER, Mr. HASTINGS of Washington, Mr. TURNER, Mr. KASICH, Mrs. MYRICK, Mr. SESSIONS, Mr. REYNOLDS, Mr. BONILLA, Mr. BOEHNER, Mr. SUNUNU, Mr. RILEY, Mr. HOBSON, Mr. CHABOT, Mr. NORWOOD, and Mr. HAYES) introduced the following bill; which was referred to the Committee on Rules.

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## A BILL

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Mandates Information  
5   Act of 1999”.

### 6   **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) before acting on proposed private sector  
2 mandates, Congress should carefully consider their  
3 effects on consumers, workers, and small businesses;

4           (2) Congress has often acted without adequate  
5 information concerning the costs of private sector  
6 mandates, instead focusing only on their benefits;

7           (3) the implementation of the Unfunded Man-  
8 dates Reform Act of 1995 has resulted in increased  
9 awareness of intergovernmental mandates without  
10 impacting existing environmental, public health, or  
11 safety laws or regulations;

12           (4) the implementation of this Act will enhance  
13 the awareness of prospective mandates on the pri-  
14 vate sector without adversely affecting the environ-  
15 ment, public health, or safety laws or regulations;

16           (5) the costs of private sector mandates are  
17 often borne in part by consumers, in the form of  
18 higher prices and reduced availability of goods and  
19 services;

20           (6) the costs of private sector mandates are  
21 often borne in part by workers, in the form of lower  
22 wages, reduced benefits, and fewer job opportunities;  
23 and

1           (7) the costs of private sector mandates are  
2           often borne in part by small businesses, in the form  
3           of hiring disincentives and stunted economic growth.

4 **SEC. 3. PURPOSES.**

5           The purposes of this Act are—

6           (1) to improve the quality of Congress’ delibera-  
7           tion with respect to proposed mandates on the pri-  
8           vate sector, by—

9                   (A) providing Congress with more complete  
10           information about the effects of such mandates;  
11           and

12                   (B) ensuring that Congress acts on such  
13           mandates only after focused deliberation on  
14           their effects; and

15           (2) to enhance the ability of Congress to distin-  
16           guish between private sector mandates that harm  
17           consumers, workers, and small businesses, and man-  
18           dates that help those groups.

19 **SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.**

20           (a) IN GENERAL.—

21           (1) ESTIMATES.—Section 424(b) of the Con-  
22           gressional Budget Act of 1974 (2 U.S.C. 658c(b)) is  
23           amended by adding at the end the following:

24                   “(4) ESTIMATE OF INDIRECT IMPACTS.—

1           “(A) IN GENERAL.—In preparing esti-  
2           mates under paragraph (1), the Director shall  
3           also estimate, if feasible, the impact (including  
4           any disproportionate impact in particular re-  
5           gions or industries) on consumers, workers, and  
6           small businesses, of the Federal private sector  
7           mandates in the bill or joint resolution,  
8           including—

9                   “(i) an analysis of the effect of the  
10                  Federal private sector mandates in the bill  
11                  or joint resolution on consumer prices and  
12                  on the actual supply of goods and services  
13                  in consumer markets;

14                  “(ii) an analysis of the effect of the  
15                  Federal private sector mandates in the bill  
16                  or joint resolution on worker wages, work-  
17                  er benefits, and employment opportunities;  
18                  and

19                  “(iii) an analysis of the effect of the  
20                  Federal private sector mandates in the bill  
21                  or joint resolution on the hiring practices,  
22                  expansion, and profitability of businesses  
23                  with 100 or fewer employees.

24           “(B) ESTIMATE NOT CONSIDERED IN DE-  
25           TERMINATION.—The estimate prepared under

1           this paragraph shall not be considered in deter-  
2           mining whether the direct costs of all Federal  
3           private sector mandates in the bill or joint reso-  
4           lution will exceed the threshold specified in  
5           paragraph (1).”.

6           (2) POINT OF ORDER.—Section 424(b)(3) of  
7           the Congressional Budget Act of 1974 (2 U.S.C.  
8           658c(b)(3)) is amended by adding after the period  
9           “If such determination is made by the Director, a  
10          point of order under this part shall lie only under  
11          section 425(a)(1) and as if the requirement of sec-  
12          tion 425(a)(1) had not been met.”.

13          (3) THRESHOLD AMOUNTS.—Section 425(a) of  
14          the Congressional Budget Act of 1974 (2 U.S.C.  
15          658d(a)(2)) is amended—

16                (A) by striking “and” after the semicolon  
17                at the end of paragraph (1) and redesignating  
18                paragraph (2) as paragraph (3); and

19                (B) by inserting after paragraph (1) the  
20                following new paragraph:

21                “(2) any bill, joint resolution, amendment, mo-  
22                tion, or conference report that would increase the di-  
23                rect costs of Federal private sector mandates (ex-  
24                cluding any direct costs that are attributable to reve-  
25                nue resulting from tax or tariff provisions of any

such measure if it does not raise net tax and tariff revenues over the 5-fiscal-year period beginning with the first fiscal year such measure affects such revenues) by an amount that causes the thresholds specified in section 424(b)(1) to be exceeded; and”;

(3) in paragraph (3) (as redesignated), by striking “Federal intergovernmental mandates by an amount that causes the thresholds specified in section 424(a)(1)” and inserting “Federal mandates by an amount that causes the thresholds specified in section 424 (a)(1) or (b)(1)”.

(4) APPLICATION RELATING TO APPROPRIATIONS COMMITTEES.—Section 425(c)(1)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is amended—

(A) in clause (i) by striking “intergovernmental”;

(B) in clause (ii) by striking “intergovernmental”;

(C) in clause (iii) by striking “intergovernmental”; and

(D) in clause (iv) by striking “intergovernmental”.

(5) APPLICATION RELATING TO CONGRESSIONAL BUDGET OFFICE.—Section 427 of the Con-

1       gressional Budget Act of 1974 (2 U.S.C. 658f) is  
2       amended by striking “intergovernmental”.

3       (b) RULES OF THE HOUSE OF REPRESENTATIVES.—  
4       Clause 11(b) of rule XVIII of the Rules of the House of  
5       Representatives is amended by striking “intergovern-  
6       mental” and by striking “section 424(a)(1)” and inserting  
7       “section 424(a)(1) or (b)(1)”.

8       (c) EXERCISE OF RULEMAKING POWERS.—This sec-  
9       tion is enacted by Congress—

10           (1) as an exercise of the rulemaking power of  
11       the Senate and the House of Representatives, re-  
12       spectively, and as such they shall be considered as  
13       part of the rules of such House, respectively, and  
14       such rules shall supersede other rules only to the ex-  
15       tent that they are inconsistent therewith; and

16           (2) with full recognition of the constitutional  
17       right of either House to change such rules (so far  
18       as relating to such House) at any time, in the same  
19       manner, and to the same extent as in the case of  
20       any other rule of each House.

21       **SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.**

22       Section 421(5)(B) of the Congressional Budget and  
23       Impoundment Control Act of 1974 (2 U.S.C. 658(5)(B))  
24       is amended—

25           (1) by striking “the provision” after “if”;

1           (2) in clause (i)(I) by inserting “the provision”  
2       before “would”;

3           (3) in clause (i)(II) by inserting “the provision”  
4       before “would”; and

5           (4) in clause (ii)—

6               (A) by inserting “that legislation, statute,  
7       or regulation does not provide” before “the  
8       State”; and

9               (B) by striking “lack” and inserting “new  
10      or expanded”.

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